

UNITED STATES DISTRICT COURT

for the
Eastern District of MichiganIn the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address))

Case No. 1:21-mc-50471

THE PREMISES KNOWN AS 7183 BELLEVUE DR.,)
MOUNT PLEASANT, MICHIGAN)

Judge: Ludington, Thomas L.

Filed: 04-07-2021

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the _____ Eastern _____ District of _____ Michigan _____, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

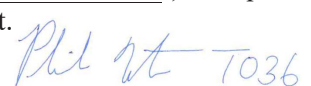
Title 18 U.S.C. § 1111

Murder within the territorial jurisdiction of the United States

The application is based on these facts:

See attached AFFIDAVIT.

- ☒ Continued on the attached sheet.
☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature


Phil Mata, Agent, BIA

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: April 7, 2021

City and state: Bay City, Michigan


Judge's signature

Patricia T. Morris, U. S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

IN THE MATTER OF THE SEARCH
OF 7183 BELLEVUE DR., MOUNT
PLEASANT, MICHIGAN

Case No.

AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR
A WARRANT TO SEARCH AND SEIZE

I, Phil Mata, being first duly sworn, hereby depose and state that the following is true and correct to the best of my knowledge and belief, and that this petition is based on the following facts:

INTRODUCTION AND BACKGROUND

1. I am a Bureau of Indian Affairs certified criminal investigator and an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, I am authorized by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. I have been employed by the Saginaw Chippewa Tribal Police Department for over 21 years. In connection with my official duties, I investigate violations of federal criminal laws, state criminal laws, and tribal criminal laws.

3. The facts in this affidavit come from my personal observations,

training, experience, and information obtained from other officers and witnesses.

As part of my employment, I have received training in and been involved in (a) the analysis of documentary and physical evidence; (b) crime scene investigations; (c) controlled substance investigations; (d) the use of electronic devices in the commission of criminal offenses; (e) interviews of defendants and witnesses; and (f) the collection of forensic evidence.

4. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

5. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as 7183 Bellevue Dr., Mount Pleasant, Michigan, (**Target Residence**) as well as outbuildings and vehicles within the curtilage which are associated with or under the control of an occupant of the residence, as further described in Attachment A, for the things described in Attachment B. I believe that that there exists probable cause to believe that evidence will be found in the residence identified in this affidavit of violations of Title 18 U.S.C. § 1111 (Murder within the territorial jurisdiction of the United States).

STATEMENT OF PROBABLE CAUSE

6. On April 7, 2021, at approximately 0030 hrs., Jacob Allen Osawabine (JACOB) contacted Tribal dispatch to report that he had just shot his father, James Gordon Osawabine Sr. at 7183 Bellevue Dr., Mount Pleasant, Michigan, the **Target Residence**.

7. The Target Residence is located on the Isabella Indian Reservation within Indian country.

8. Both JACOB and his father, James Gordon Osawabine Sr. are “Indian.”

9. Officers from the Saginaw Chippewa Tribal Police Department, along with Michigan State Police troopers, responded to the **Target Residence** and upon arrival ordered JACOB out of the **Target Residence**.

10. Officers observed James Gordon Osawabine Sr. lying face up on the floor near the front door of the **Target Residence**. He appeared to have suffered a gunshot wound to the head and was bleeding.

11. Officers provided medical aid to the victim while other officers performed a protective sweep of the **Target Residence** to determine whether any other occupants were injured and to ensure officer safety.

12. During the protective sweep of the residence, officers observed a long gun in the kitchen and a handgun with boxes of ammunition located in an upstairs bedroom.

13. JACOB was taken into custody and transported to the Saginaw Chippewa Tribal Police Department. At the department he was provided State/Federal *Miranda* warnings and his tribal rights, all of which he waived and agreed to speak with investigators. JACOB indicated that he was home with his father when his father left to get cigarettes and a beer. Shortly after his father left, JACOB heard the front door open. Believing that someone was breaking in, JACOB grabbed his .38 revolver and fired a warning shot down the stairwell from the upstairs. He then went down the stairs and fired a second shot toward the door. After firing the second shot JACOB indicated that he realized he had shot his father. JACOB then contacted Tribal Dispatch to report the shooting.

14. JACOB indicated to investigators that there are security cameras located at the **Target Residence** and that recordings from the cameras can be viewed on his phone and iPad.

15. James Gordon Osawabine Sr. was pronounced deceased by an emergency room physician at 0050 hrs. on April 7, 2021.

16. I know from my training and experience that the collection of forensic evidence can provide investigators with evidence that will assist in determining the circumstances surrounding the shooting that occurred at the **Target Residence**.

17. I know from JACOB's interview that security cameras located at the **Target Residence** may have recorded the shooting and that the security footage can be viewed on JACOB's cellular telephone and on his iPad.

18. The aforementioned facts support probable cause to believe that a homicide occurred at the **Target Residence** in violation of Title 18 U.S.C. § 1111 (Murder within the territorial jurisdiction of the United States) and that a search of the residence, any outbuildings, and vehicles located within the curtilage of the property will provide evidence regarding the nature and circumstances of the shooting.

19. I submit this affidavit in support of search warrant for 7183 Bellevue Dr., Mount Pleasant, Michigan. I have reviewed the description of these premises, and believe it to be accurate, particularized description of the premises to be searched at this address.

A handwritten signature in blue ink, appearing to read "Phil Mata" followed by the number "1036".

Phil Mata
Saginaw Chippewa Tribal Police Detective

Sworn to before me and signed in my presence
and/or by reliable electronic means.

A handwritten signature in blue ink, appearing to read "Patricia T. Morris".

Patricia T. Morris
United States Magistrate Judge

Patricia T. Morris, U. S. Magistrate Judge
Printed name and title

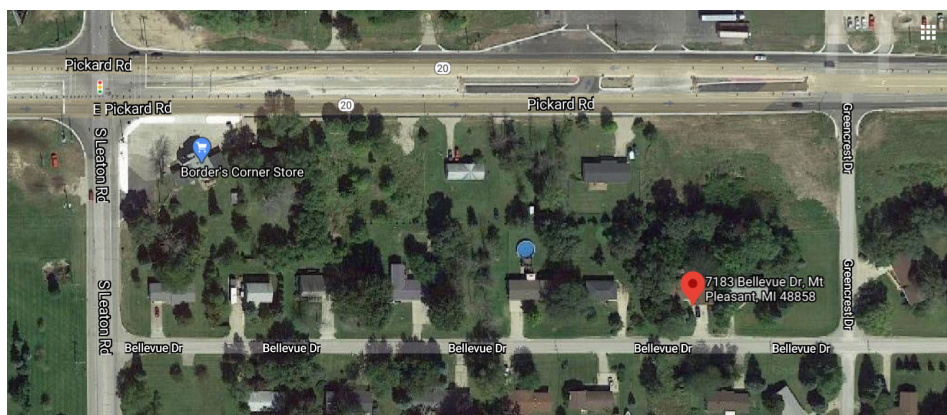
ATTACHMENT A

Location to Be Searched

The residence located at 7183 Bellevue Dr., Mount Pleasant, Michigan, including any outbuildings, vehicles, persons located at the premises.

The residence is more fully described as:

7183 Bellevue Dr. Chippewa Twp. located within the exterior boundaries of the Saginaw Chippewa Indian Tribe. 7183 Bellevue is described as a tri level house located on the north side on Bellevue Dr. with white colored vinyl siding and dark gray shutters, a dark gray front door, and a two-stall attached garage. Having the number 7183 attached on the tan plastic mailbox located in front of the residence. The front part of the house faces the south. There is a black Lincoln Navigator in the driveway that has no license plate and an unreadable VIN. Also to include any vehicles or out buildings within the curtilage of the property for 7183 Bellevue Dr.



ATTACHMENT B

Items to be seized:

- a. Firearms, including but not limited to handguns, pistols, revolvers, rifles, shotguns, and other weapons;
- b. Any firearm accessories or ammunition;
- c. Any iPads;
- d. Any cellular telephones;
- e. Any evidence related to the death of James Gordon Osawabine Sr.;
- f. Any security devices including but not limited to cameras and security footage storage devices;
- g. Proof of residency.

Return

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title